

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

OP.No. 35383 of 2000(K)

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PETITIONER:

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SMT. BEEFATHIMA,  
AGED 42 YEARS, W/O. N.K.YOOSEF,  
NATTAKAL HOUSE, PERAL,  
KASARAGODE.

BY ADV. SRI.M.THAMBAN  
SRI.K.RAJEEVAN  
SRI.DILIP MOHAN  
SMT.T.SUDHAMANI

RESPONDENTS:

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1. MANAGER, VIJAYA BANK,  
KUMBALA, KASARAGODE.
2. TAHSILDAR (REVENUE RECOVERY),  
KASARAGODE.
3. STATE OF KERALA, REP. BY ITS SECRETARY,  
REVENUE DEPARTMENT,  
THIRUVANANTHAPURAM.

BY ADV. SRI.K.G.GOURI SANKAR RAI  
ADV. SMT. SMITHA SUMUMAR, GOVERNMENT PLEADER

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD  
ON 28/11/2007, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

OP NO. 35383/2000

ORDER ON CMP NO. 60487/2000 IN OP NO.35383/2000

DISMISSED.

28/11/2007

SD/- (C.N.RAMACHANDRAN NAIR, JUDGE)

**APPENDIX**

PETITIONER'S EXHIBITS

P1 : COPY OF THE NOTICE DATED 15/11/2000 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

// TRUE COPY //

PA TO JUDGE.

jg

**C.N.RAMACHANDRAN NAIR, J.**

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**O.P. No. 35383 of 2000**  
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**Dated, this the 28<sup>th</sup> day of November, 2007**

**J U D G M E N T**

Heard learned counsel for petitioner and learned standing counsel for 1<sup>st</sup> respondent.

2. Even though this Court has granted conditional stay order, it is not known whether the petitioner has cleared the arrears. In any case, the amount involved is only around Rs.9,000/- as on the date of filing of this original petition i.e. in the year 2000. Since petitioner has offered to make payment within a reasonable time, there will also be a direction to the 1<sup>st</sup> respondent to waive penal and default interest, if petitioner makes payment within the time granted by the Bank. Revenue recovery proceedings will be kept in abeyance for petitioner to produce judgment and settle liability with the Bank. However, if liability is not settled as above, recovery will be continued. Collection charges should not be recovered if petitioner settles liability with the Bank.

**(C.N.RAMACHANDRAN NAIR, JUDGE.)**